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11 UNITED STATES BANKRUPTCY COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 In re:) Bankruptcy No.: 11-54952 ASW 11
15)
16 AIDA ALBAN MIRANDA dba) **BALLOT TABULATION**
17 SUNRISE MANOR RESIDENTIAL CARE)
18 HOMES,)
19) **Confirmation Hearing Date**
20 Debtor-in-possession,)
21) Date: March 8, 2013
22) Time: 2:15PM
23) Crtrm: 3020
24) Location: United States Bankruptcy Court
25) 280 South First Street
26) San Jose, California
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1 On December 4, 2013 the debtor's disclosure statement was conditionally approved (*See*
2 PACER No.: 108). Since that time, Debtor has obtained the requisite majority of affirmative
3 votes to confirm the Plan.

4 The Plan houses three impaired classes of claims. The first impaired class is **U.S. Bank**
5 **National Association, as Trustee, successor in interest to Bank of America, National**
6 **Association as Trustee as successor by merger to Lasalle Bank, National Association as**
7 **Trustee for WaMu Mortgage Pass-Through Certificates Series 2007-OA5 Trust ("Class 3**
8 **Creditor")**. Class 3 Creditor is the senior most secured creditor holding interest in the real
9 property located at 790-792 Los Padres Avenue, Santa Clara, California. On August 14, 2012, a
10 **Stipulation Regarding Treatment of Class 3 Creditor's Claim under Debtor's Chapter 11**
11 **Plan of Reorganization** (the "Class 3 Stipulation") was filed [*See* PACER No.: 88]. On
12 December 20, 2012, an Order approving the Class 3 Stipulation was entered on the docket [*See*
13 PACER No.: 116]. True and correct copies of the Class 3 Stipulation and is attached hereto as
14 **Exhibit A**.

15 The second impaired class is **Wells Fargo Bank, N.A., as Trustee for Option One**
16 **Mortgage Loan Trust 2005-4, Asset-Backed Certificates, Series 2005-4** ("Class 4 Creditor").
17 On March 4, 2013 a **Stipulation Re: Treatment of Creditor's Claim Under Debtor's**
18 **Proposed Chapter 11 Plan of Reorganization** (the "Class 4 Stipulation") was entered on the
19 docket [*See* PACER No.: 133]. To date, an order approving the Class 4 Stipulation has yet to be
20 entered. However, upon the entry of an order approving the Class 4 Stipulation, both parties
21 shall be bound to the terms therein and the Plan should be confirmed. A true and correct copy of
22 the Class 4 Stipulation is attached hereto as **Exhibit B**.

23 The last impaired class of creditors comprises of general unsecured creditors or those
24 being treated as such (the "Class 5 Creditors"). Of the 22 creditors who received ballots to vote
25 on the Plan, four were returned, each of which voted in favor of their treatment. A true and
26 correct copy of each vote received from Class 5 is attached hereto as **Exhibit C**.

27 A tabulation of the ballots is copied below for the Court's convenience.
28

CLASS	NUMBER OF VOTING CREDITORS ACCEPTING THE PLAN / TOTAL VOTING CREDITORS IN CLASS	PERCENTAGE OF VOTING CREDITORS ACCEPTING PLAN	APPROXIMATE AMOUNT OF CREDITOR DEBT ACCEPTING PLAN	PERCENTAGE OF VOTING CREDITOR DEBT ACCEPTING PLAN
Administrative	Unimpaired	Class Does Not Vote	n/a	n/a
Priority Tax	Unimpaired	Class Does Not Vote	n/a	n/a
Class 2	Unimpaired	\$866,019.48	\$866,019.48	n/a
Class 3	1/1	\$733,218.00	\$733,218.00	100.00%
Class 4	1/1 ¹	\$626,430.22	\$626,430.22	100.00%
Class 5	4/4	\$40,449.38	\$40,449.38	100.00%
Class 6	Unimpaired	Class Does Not Vote	n/a	n/a
Class 7	Unimpaired	Class Does Not Vote	n/a	n/a

Based on the foregoing Ballot Tabulation, exhibits, and pleadings filed in the matter herein, the Debtor respectfully requests the Court enter an order confirming the Plan immediately after the entry of an order approving the Class 4 Stipulation.

Respectfully submitted,

SAGARIA LAW
A Professional Corporation

Dated: 03/05/2013

/s/ Patrick Calhoun
PATRICK CALHOUN
Attorney for Debtor-in-Possession
AIDA ALBAN MIRANDA

¹ NOTE: Approval of the claim treatment under the Plan shall not become binding until an order approving the stipulation has been entered.

1 SCOTT J. SAGARIA (BAR # 217981)
2 PATRICK CALHOUN (BAR #56671)
3 SAGARIA LAW, P.C.
4 333 WEST SAN CARLOS STREET
5 SUITE 620
6 SAN JOSE, CALIFORNIA 95110
7 (408) 279-2288
8 (408) 279-2299 FAX

9 Attorneys for Debtor in Possession
10 Aida Alban Miranda dba Sunrise Manor Residential Care Homes

11 UNITED STATES BANKRUPTCY COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 In re:

15 AIDA ALBAN MIRANDA dba
16 SUNRISE MANOR RESIDENTIAL CARE
17 HOMES,

18 Debtor-in-possession,

Bankruptcy No.: 11-54952 ASW 11

**EXHIBIT A TO BALLOT TABULATION;
CLASS 3 STIPULATION AND ORDER**

Confirmation Hearing Date

Date: March 8, 2013

Time: 2:15PM

Crtrm: 3020

Location: United States Bankruptcy Court
280 South First Street
San Jose, California

HON. ARTHUR S. WEISSBRODT

EXHIBIT A

1 SCOTT J. SAGARIA (BAR # 217981)
2 PATRICK CALHOUN (BAR #56671)
3 SAGARIA LAW, P.C.
4 333 WEST SAN CARLOS STREET
5 SUITE 1750
6 SAN JOSE, CALIFORNIA 95110
7 (408) 279-2288
8 (408) 279-2299 FAX

9 Attorneys for Debtor-in-possession
10 AIDA ALBAN MIRANDA dba SUNRISE MANOR RESIDENTIAL CARE HOMES

11 UNITED STATES BANKRUPTCY COURT
12
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5

14 In Re:	Bankruptcy No.: 11-54952 CN 11
)
	) STIPULATION REGARDING
	) TREATMENT OF CLASS 3 CREDITOR'S
16 AIDA ALBAN MIRANDA dba	) CLAIM UNDER DEBTOR'S CHAPTER
	) 11 PLAN OF REORGANIZATION
17 SUNRISE MANOR RESIDENTIAL CARE)
	) [NO HEARING REQUESTED]
18 HOMES,)
)
19 Debtors-in-possession.)
)
)
)
	) HON. ARTHUR S. WEISSBRODT

22
23 This Stipulation is entered into by and between Debtor and debtor in possession AIDA
24 ALBAN MIRANDA, (the "Debtor"), by and through her attorney of record, Scott J. Sagaria and
25 Secured Creditor HSBC BANK USA, N.A. AS TRUSTEE FOR THE
26 CERTIFICATEHOLDERS OF ACE SECURITIES CORP, HOME EQUITY LOAN TRUST,
27 SERIES 2006-NC3 ASSET-BACKED PASS-THROUGH CERTIFICATES ("Creditor"), by and
28 through its attorneys of record, Mark Domeyer of Miles, Bauer, Bergstrom & Winters, LLP.

1 The property which is the subject of this matter is commonly known as 790-792 Los
2 Padres Blvd. Santa Clara, CA 95051 (hereinafter the "Subject Property").

3 On or about August 1, 2006, Debtor, for valuable consideration, made, executed and
4 delivered to New Century Mortgage Corp. ("Lender") a Note in the principal sum of
5 \$573,750.00 (the "Note").

6 On August 16, 2006, Debtor made, executed and delivered to Lender a Deed of Trust (the
7 "Deed of Trust") granting Lender a security interest in the Subject Property. The Deed of Trust
8 was recorded on August 25, 2006, in the Official Records of Santa Clara County, State of
9 California.

10 Thereafter, Lender's interest in the Deed of Trust was assigned and transferred to
11 Creditor.

12 On May 24, 2011, Debtor filed a voluntary petition under Chapter 11 of the United States
13 Bankruptcy Code and was assigned Bankruptcy Case No. 11-54952.

14 On August 25, 2011, Creditor filed its Proof of Claim reflecting a claim in the amount of
15 \$733,217.78 including pre-petition arrears in the amount of \$163,510.07 (the "Arrears Claim").

16 On March 19, 2012, Debtor filed her proposed Chapter 11 Plan of Reorganization
17 ("Plan") and Disclosure Statement. The Plan provided proposed treatment of Creditor's claim
18 pursuant to Class 3 of the Plan.

19 On April 13, 2012 Creditor objected to approval of Debtor's disclosure statement.

20 **THE PARTIES STIPULATE AS FOLLOWS:**

21 1. Creditor's claim secured by the Subject Property shall remain unmodified and
22 shall not be impaired by the Debtors' proposed Chapter 11 Plan of Reorganization;

23 2. Debtor shall tender regular monthly payments at the contractual amount
24 commencing on the Effective Date of confirmation, and continuing until all outstanding amounts
25 owed under the Note and Deed of Trust are paid in full;

26 3. In addition to the regular monthly payments, Debtor shall also tender payments to
27 Creditor in the amount of 1/180th of the total arrears amortized at 2.5% interest (Approx.
28 \$1,090.27), commencing on or before the Effective Date, but not before confirmation of the plan,

1 and continuing on the fifteenth day of each month thereafter until the Arrears Claim has been
2 fully satisfied.;

3 4. In addition to the principal and interest payments and arrears payments, Debtor
4 shall maintain responsible for real estate taxes and casualty insurance of the Subject Property;

5 5. Except as otherwise expressly provided herein, all remaining terms of the Note
6 and Deed of Trust shall govern the treatment of Creditor's Secured Claim and the loan contract
7 between Debtor and Creditor remains in full force and effect;

8 6. In the event of any future default on any of the above-described provisions,
9 inclusive of this Stipulation, Creditor shall provide written notice via certified mail to AIDA
10 MIRANDA at 5890 Monroe Street, Santa Clara, California or any forthcoming address provided
11 in a Notice of Change of Address¹ in the above captioned proceeding, and to Debtors' attorney
12 of record, Scott J. Sagaria at 333 W San Carlos St. #1750, San Jose, California 95110, indicating
13 the nature of default. If Debtor fails to cure the default with certified funds after passage of thirty
14 (30) calendar days from the date said written notice is placed in the mail, then Creditor, may
15 proceed to foreclose its security interest in the Subject Property under the terms of the Note and
16 Deed of Trust and pursuant to applicable state law and thereafter commence any action necessary
17 to obtain complete possession of the Subject Property without further notice, order, or
18 proceeding of this Court;

19 7. The acceptance by Creditor of a late or partial payment shall not act as a waiver of
20 Creditor's right to proceed hereunder;

21 8. In the event the Debtors default under this Stipulation and Creditor forwards a 30-
22 day letter to Debtors, they shall be required to tender \$25.00 for each default letter submitted in
23 order to cure the default;

24 9. The terms of this Stipulation may not be modified, altered, or changed by the
25 Plan, any confirmation order thereon, any subsequently filed Amended Chapter 11 Plan of
26 Reorganization and confirmation order thereon without the express written consent of the
27

28 ¹ Debtor is surrendering the Monroe Street property and shall file a Notice of Change of Address once she has relocated.

Creditor. The terms of this Stipulation shall be incorporated into the Plan and/or any subsequently filed Amended Chapter 11 Plan of Reorganization;

10. In the event the Debtor's case is dismissed or converted to any other chapter under Title 11 of the United States Bankruptcy Code, Creditor shall retain its lien in the full amount due under the Note;

13. This terms of this Stipulation further constitute as Creditor voting in favor of the Debtors' Chapter 11 Plan of Reorganization once Debtor establishes that commencing solicitation of acceptances of the Plan pursuant to 11 U.S.C. § 1125 is appropriate.

IT IS SO STIPULATED:

Dated: July 17, 2012

/s/ Mark Domeyer

Mark Domeyer

Attorney for Class 4 Creditor

SAGARIA LAW PC

Dated: July 17, 2012

/s/ Patrick Calhoun

Patrick Calhoun

Attorney for Debtor in Possession

Aida Miranda dba Sunrise Residential Care Homes



SCOTT J. SAGARIA (BAR # 217981)
PATRICK CALHOUN (BAR #56671)
SAGARIA LAW, P.C.
333 WEST SAN CARLOS STREET
SUITE 1750
SAN JOSE, CALIFORNIA 95110
(408) 279-2288
(408) 279-2299 FAX

IT IS SO ORDERED.
Signed December 20, 2012

A handwritten signature in cursive script, reading "Arthur S. Weissbrodt", is written over a horizontal line.

Arthur S. Weissbrodt
U.S. Bankruptcy

Attorneys for Debtor-in-possession
AIDA ALBAN MIRANDA dba SUNRISE MANOR RESIDENTIAL CARE HOMES

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In Re:

Bankruptcy No.: 11-54952 ASW 11

AIDA ALBAN MIRANDA dba

SUNRISE MANOR RESIDENTIAL CARE

HOMES,

Debtor-in-possession.

**ORDER RE: STIPULATION REGARDING
TREATMENT OF CLASS 3 CREDITOR'S
CLAIM UNDER DEBTOR'S CHAPTER
11 PLAN OF REORGANIZATION**

Related Docket No.: 88

HON. ARTHUR S. WEISSBRODT

The Parties having agreed to the terms set forth in the Stipulation Regarding Treatment of Class 3 Creditor's Treatment under Debtor's Chapter 11 Plan of Reorganization (the "Stipulation") filed on August 14, 2012 and reflected by docket entry number 88 in the above captioned proceeding.

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The Parties are bound by the terms of the Stipulation and good cause appearing therefore;
IT IS HEREBY ORDERED THAT the stipulation is **APPROVED** and hereby made an
Order of the Court.

END OF ORDER

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COURT SERVICE LIST

[Via United States Mail]

Debtor
Aida Alban Miranda
PO Box 95055
Santa Clara, CA 95055

[Via Notice of Electronic Filing]

Richard J. Bauer on behalf of Requestor HSBC Bank USA, N.A...
rbauer@mileslegal.com

Mark T. Domeyer on behalf of Creditor HSBC Bank USA, N.A...
mdomeyer@mileslegal.com

Christopher M. McDermott on behalf of Requestor Washington Mutual Bank
ecfcanb@piteduncan.com

Office of the U.S. Trustee / SJ
USTPRegion17.SJ.ECF@usdoj.gov, ltroxas@hotmail.com

Scott J. Sagaria on behalf of Debtor Aida Miranda
ECFGotNotices@Gmail.com, ecf@sagarialaw.com

John S. Wesolowski on behalf of Health Care Ombudsman Joseph Rodrigues
john.wesolowski@usdoj.gov

Les Zieve on behalf of Requestor Ocwen Loan Servicing, LLC
bankruptcy@zievelaw.com, mle@zievelaw.com

1 SCOTT J. SAGARIA (BAR # 217981)
2 PATRICK CALHOUN (BAR #56671)
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5 SUITE 620
6 SAN JOSE, CALIFORNIA 95110
7 (408) 279-2288
8 (408) 279-2299 FAX

9 Attorneys for Debtor in Possession
10 Aida Alban Miranda dba Sunrise Manor Residential Care Homes

11 UNITED STATES BANKRUPTCY COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 In re:	)	Bankruptcy No.: 11-54952 ASW 11
15 AIDA ALBAN MIRANDA dba	)	EXHIBIT B TO BALLOT TABULATION;
16 SUNRISE MANOR RESIDENTIAL CARE	)	CLASS 4 STIPULATION
17 HOMES,)	
18 Debtor-in-possession,	)	<u>Confirmation Hearing Date</u>
19	)	Date: March 8, 2013
20	)	Time: 2:15PM
21	)	Crtrm: 3020
22	)	Location: United States Bankruptcy Court
23	)	280 South First Street
24	)	San Jose, California
25)	
26)	
27)	
28	)	HON. ARTHUR S. WEISSBRODT

EXHIBIT B

Matthew R. Clark (SBN 271054)
mclark@piteduncan.com
Todd S. Garan (SBN 236878)
tgaran@piteduncan.com
PITE DUNCAN, LLP
4375 Jutland Drive, Suite 200
P.O. Box 17933
San Diego, CA 92177-0933
Telephone: (858) 750-7600
Facsimile: (619) 590-1385

Attorney for U.S. Bank National
Association, as Trustee, successor in interest
to Bank of America, National Association as
Trustee as successor by merger to Lasalle
Bank, National Association as Trustee for
WaMu Mortgage Pass-Through Certificates
Series 2007-OA5 Trust

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

In re

AIDA ALBAN MIRANDA,

Debtor.

Case No. 11-54952

Chapter 11

**STIPULATION RE: TREATMENT OF
CREDITOR'S CLAIM UNDER
DEBTOR'S PROPOSED CHAPTER 11
PLAN OF REORGANIZATION**

SUBJECT PROPERTY:

2536 Austin Place
Santa Clara, California 95050

This Stipulation is entered into by and between Secured Creditor Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2005-4, Asset-Backed Certificates, Series 2005-4 ("Creditor"), by and through its attorneys of record, Pite Duncan LLP, and Aida Alban Miranda (the "Debtor"), by and through her attorney of record, Scott J. Sagaria.

The property which is the subject of this matter is commonly known as 2536 Austin Place, Santa Clara, California 95050 (hereinafter the "Subject Property").

On or about April 12, 2007, Debtor executed a promissory note in the principal sum of \$567,400.00 (the "Note"), which was made payable to Washington Mutual Bank, FA ("Lender").

///

1 The Note is secured by a recorded deed of trust (the "Deed of Trust") encumbering the
2 Subject Property.

3 Subsequently, the beneficial interest under the Deed of Trust was transferred to Creditor.

4 On May 24, 2011, Debtor filed a voluntary petition under Chapter 11 of the Bankruptcy
5 Code in the Northern District of California-San Francisco Division and was assigned bankruptcy
6 case no. 11-54952.

7 On September 20, 2011, Creditor filed a Proof of Claim reflecting a secured claim in the
8 amount of \$626,430.22 and \$60,690.91 in pre-petition arrears.

9 As of February 21, 2013, the total amount required to reinstate the Subject Loan was
10 approximately \$66,503.07.

11 The contractual monthly payment for February 1, 2013, was \$3,906.03.

12 **THE PARTIES STIPULATE TO THE FOLLOWING TREATMENT OF CREDITOR'S**
13 **SECURED CLAIM:**

14 **A. Debtor to Make Regular Payments and Pay Arrears Over Time.**

15 1. As of February 28, 2013, the estimated arrears on Creditor's secured claim are
16 \$66,503.07 (the "Arrears"). To the extent the Arrears are determined to be other than as shown
17 in this Stipulation, appropriate adjustments will be made as appropriate via an Amended
18 Stipulation.

19 2. Debtor will pay the entire amount contractually due under the Note by making all
20 post-stipulation regular monthly payments commencing March 1, 2013, and by curing the
21 Arrears, without interest, in sixty (60) equal monthly payments in the amount of \$1,108.40, due
22 the first day of each month, starting March 15, 2013, and continuing until all outstanding
23 amounts owed under the Note and Deed of Trust are paid in full.

24 3. Debtor shall be responsible for maintenance of real property taxes and real
25 property hazard insurance for the Subject Property. This amount is subject to change pursuant to
26 the terms of the Note and Deed of Trust.

27 /./

28 /./

1 4. To the extent that Creditor has made any-post petition escrow advances for real
2 property taxes or real property hazard insurance, Debtor shall cure said amounts on or before the
3 Effective Date of the Plan.

4 5. Creditor shall not be required to release its lien on the Subject Property until all
5 amounts due under the Note and this Stipulation are paid in full.

6 6. Except as otherwise expressly provided herein, all remaining terms of the Note
7 and Deed of Trust shall govern the treatment of Creditor's secured claim.

8 7. Creditor may not repossess or dispose of its collateral so long as Debtor is not in
9 Material Default under the Plan (defined below).

10 **B. Remedies if Debtor Defaults in Performing the Plan.**

11 8. Creditor shall file a Motion for Relief From the Automatic Stay ("Motion for
12 Relief") if Debtor defaults in performing under the terms of this Stipulation prior to the date of
13 the entry of the order of confirmation.

14 9. In the event the Debtor defaults under this Stipulation and Creditor files a Motion
15 for Relief, Debtor shall be required to pay the reasonable fees and costs associated with filing the
16 Motion for Relief in order to cure the default.

17 10. The automatic stay of 11 U.S.C. §362 shall terminate on the earlier of the Plan's
18 Effective Date or the fifteenth day following the date of the entry of the order of confirmation.

19 11. Creditor shall not take any action to enforce either the pre-confirmation
20 obligation, the obligation due under the Plan, or the obligation due under this Stipulation, so long
21 as Debtor is not in default under the Plan and this Stipulation.

22 12. If the Debtor fails to make any payment, or to perform any other obligation
23 required under this Stipulation, for more than 10 days after the time specified above for such
24 payment or other performance, Creditor may serve upon Debtor and Debtor's attorney (if any) a
25 written notice of Debtor's default. If Debtor fails within 30 days after the date of service of
26 notice of default either: (i) to cure the default; (ii) to obtain from the court an extension of time to
27 cure the default; or (iii) to obtain from the court a determination that no default occurred, then
28 Debtor is in Material Default under the Plan.

13. In the event the Debtor defaults under this Stipulation and Creditor forwards a 30-day letter to Debtor, Debtor shall be required to pay reasonable costs and fees incurred for each default letter submitted in order to cure the default.

14. Upon Material Default, Creditor: (i) may file and serve a motion to dismiss the case or to convert the case to Chapter 7; and/or (ii) without further order of the court has relief from stay to the extent necessary, and may pursue its lawful remedies against the Subject Property including conducting a non-judicial foreclosure sale.

15. In the event the Debtor's case is dismissed or converted to any other chapter under Title 11 of the United States Bankruptcy Code, Creditor shall retain its lien in the full amount due under the Note and if the Debtor is in default under the terms of the Note, Creditor may file a Motion for Relief from the Automatic Stay to proceed with foreclosure actions against the Subject Property.

C. Miscellaneous Provisions

16. At the request of Creditor, the Debtor shall execute such documents and instruments as are necessary to reflect the Debtor as the borrower of the Secured Claim, and to modify the terms of the obligation to conform to the provisions with this Stipulation.

17. The terms of this Stipulation shall be incorporated into the order confirming the Debtor's proposed Chapter 11 Plan. The terms of this Stipulation may not be modified, altered, or changed without the express written consent of Creditor. Any inconsistency between the Amended Plan and this Stipulation shall be resolved in favor of this Stipulation.

IT IS SO STIPULATED:

Dated: 3/4/13



SCOTT J. SAGARIA
Attorney for the Debtor

PITE DUNCAN, LLP

Dated: 3/4/13



MATTHEW R. CLARK
Attorney for Creditor

Attorneys for Debtor in Possession
Aida Alban Miranda dba Sunrise Manor Residential Care Homes

1 SCOTT J. SAGARIA (BAR # 217981)
2 PATRICK CALHOUN (BAR #56671)
3 SAGARIA LAW, P.C.
4 333 WEST SAN CARLOS STREET
5 SUITE 1750
6 SAN JOSE, CALIFORNIA 95110
7 (408) 279-2288
8 (408) 279-2299 FAX

9 Attorneys for Debtor in Possession
10 Aida Alban Miranda dba Sunrise Manor Residential Care Homes

11 UNITED STATES BANKRUPTCY COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 In re:	) Bankruptcy No.: 11-54952 ASW 11
15 AIDA ALBAN MIRANDA dba	) BALLOT FOR ACCEPTING OR
16 SUNRISE MANOR RESIDENTIAL CARE	) REJECTING DEBTORS' FOURTH
17 HOMES,	) AMENDED CHAPTER 11 PLAN OF
18	) REORGANIZATION
19 Debtor-in-possession,	) Tentative Confirmation Hearing Date:
20	) Date: January 11, 2013
21	) Time: 2:15PM
22	) Ctrm: 3020
	) Location: United States Bankruptcy Court
	) 280 South First Street
	) San Jose, California
)
	) HON. ARTHUR S. WEISSBRODT

23 Aida Alban Miranda dba Sunrise Manor Residential Care Homes filed a Revised
24 Amended Chapter 11 Plan of Reorganization (the "Plan") and a Revised Amended Disclosure
25 Statement (the "Disclosure Statement") on November 26, 2012. The disclosures contained in
26 Plan and Disclosure Statement provides information to assist you in deciding how to cast your
27 ballot. A copy of the Plan along with the Order Conditionally Approving the Disclosure
28 Statement is enclosed with this ballot.

- 1 -

Bankruptcy No. 11-54952 ASW 11

**BALLOT FOR ACCEPTING OR REJECTING DEBTORS' FOURTH AMENDED CHAPTER 11 PLAN
OF REORGANIZATION**
In re Aida Alban Miranda

1 You should carefully review the Plan before you vote. You may wish to seek legal
2 advice concerning the Plan and the proposed classification and treatment thereto.

3 Your claim/interest has been placed in Class 5 under the Plan. If you hold claims
4 or interests in more than one class, you will receive a ballot for each class in which you are
5 entitled to vote.

6 If your ballot is not received by Patrick Calhoun, Esq., 333 West San Carlos Street, Suite
7 620, San Jose, CA 95110, Fax No. (408) 279-2299; email sagariabk@sagariabk.com, on or
8 before **January 4, 2013**, and the deadline to vote has not been extended, your vote will not count
9 as either an acceptance or rejection under the Plan.

10 If the Plan is confirmed by the Bankruptcy Court it will be binding on you regardless of
11 your election to, or not to vote.

12 **ACCEPTANCE OR REJECTION OF PLAN**

13
14 The Undersigned, the holder of a Class 5 claim/interest against the Debtors in
15 the amount of \$ 7,635.23.

16
17 X Accepts the Plan

 Rejects the Plan

18
19 **DATE:** December 27, 2012

CREDITOR:

American Express Bank, FSB
Account No. xxxx-xxxxxx-x1003

20
21
22 **SIGNATURE:** 

TITLE:

Kenneth W. Kleppinger, Esquire/ Attorneys/Agent for Creditor

ADDRESS:

c/o Becket & Lee LLP

PO Box 3001

Malvern, PA 19355

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RETURN THIS BALLOT ON OR BEFORE 5:00PM JANUARY 4, 2013 VIA:

United States Mail
PATRICK CALHOUN, ESQ.
333 West San Carlos Street, Suite 1750
San Jose, CA 95110

-or-

Facsimile
Fax No. (408) 279-2299

-or-

E-Mail
sagariabk@sagarialaw.com

- 3 -

Bankruptcy No. 11-54952 ASW 11

**BALLOT FOR ACCEPTING OR REJECTING DEBTORS' FOURTH AMENDED CHAPTER 11 PLAN
OF REORGANIZATION
*In re Aida Alban Miranda***

1 SCOTT J. SAGARIA (BAR # 217981)
2 PATRICK CALHOUN (BAR #56671)
3 SAGARIA LAW, P.C.
4 333 WEST SAN CARLOS STREET
5 SUITE 1750
6 SAN JOSE, CALIFORNIA 95110
7 (408) 279-2288
8 (408) 279-2299 FAX

9 Attorneys for Debtor in Possession
10 Aida Alban Miranda dba Sunrise Manor Residential Care Homes

11 UNITED STATES BANKRUPTCY COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 In re:

15 AIDA ALBAN MIRANDA dba
16 SUNRISE MANOR RESIDENTIAL CARE
17 HOMES,

18 Debtor-in-possession,

Bankruptcy No.: 11-54952 ASW 11

**BALLOT FOR ACCEPTING OR
REJECTING DEBTORS' FOURTH
AMENDED CHAPTER 11 PLAN OF
REORGANIZATION**

Tentative Confirmation Hearing Date:

Date: January 11, 2013

Time: 2:15PM

Crtrm: 3020

Location: United States Bankruptcy Court
280 South First Street
San Jose, California

HON. ARTHUR S. WEISSBRODT

23 Aida Alban Miranda dba Sunrise Manor Residential Care Homes filed a Revised
24 Amended Chapter 11 Plan of Reorganization (the "Plan") and a Revised Amended Disclosure
25 Statement (the "Disclosure Statement") on November 26, 2012. The disclosures contained in
26 Plan and Disclosure Statement provides information to assist you in deciding how to cast your
27 ballot. A copy of the Plan along with the Order Conditionally Approving the Disclosure
28 Statement is enclosed with this ballot.

- 1 -

Bankruptcy No. 11-54952 ASW 11

**BALLOT FOR ACCEPTING OR REJECTING DEBTORS' FOURTH AMENDED CHAPTER 11 PLAN
OF REORGANIZATION**
In re Aida Alban Miranda

1 You should carefully review the Plan before you vote. You may wish to seek legal
2 advice concerning the Plan and the proposed classification and treatment thereto.

3 Your claim/interest has been placed in Class 5 under the Plan. If you hold claims
4 or interests in more than one class, you will receive a ballot for each class in which you are
5 entitled to vote.

6 If your ballot is not received by Patrick Calhoun, Esq., 333 West San Carlos Street, Suite
7 620, San Jose, CA 95110, Fax No. (408) 279-2299; email sagariabk@sagariabk.com, on or
8 before **January 4, 2013**, and the deadline to vote has not been extended, your vote will not count
9 as either an acceptance or rejection under the Plan.

10 If the Plan is confirmed by the Bankruptcy Court it will be binding on you regardless of
11 your election to, or not to vote.

12 **ACCEPTANCE OR REJECTION OF PLAN**

13
14 The Undersigned, the holder of a Class 5 claim/interest against the Debtors in
15 the amount of \$ 1,452.80.

16
17 X Accepts the Plan

18 _____ Rejects the Plan

19 **DATE:** December 27, 2012

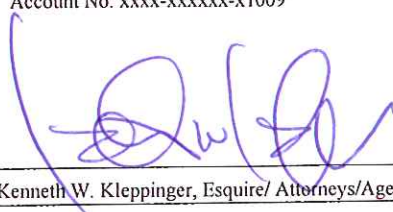
CREDITOR:

American Express Centurion Bank
Account No. xxxx-xxxxxx-x1009

20
21
22 **SIGNATURE:**

TITLE:

ADDRESS:


Kenneth W. Kleppinger, Esquire/ Attorneys/Agent for Creditor
c/o Becket & Lee LLP
PO Box 3001
Malvern, PA 19355

1'
2
3
4 **RETURN THIS BALLOT ON OR BEFORE 5:00PM JANUARY 4, 2013 VIA:**

5 *United States Mail*
6 **PATRICK CALHOUN, ESQ.**
7 **333 West San Carlos Street, Suite 1750**
8 **San Jose, CA 95110**

9 -or-

10 *Facsimile*
11 **Fax No. (408) 279-2299**

12 -or-

13 *E-Mail*
14 **sagariabk@sagarialaw.com**

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Bankruptcy No. 11-54952 ASW 11

**BALLOT FOR ACCEPTING OR REJECTING DEBTORS' FOURTH AMENDED CHAPTER 11 PLAN
OF REORGANIZATION**
In re Aida Alban Miranda

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4 333 WEST SAN CARLOS STREET
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9 Attorneys for Debtor in Possession
10 Aida Alban Miranda dba Sunrise Manor Residential Care Homes

11 UNITED STATES BANKRUPTCY COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 In re:

15 AIDA ALBAN MIRANDA dba
16 SUNRISE MANOR RESIDENTIAL CARE
17 HOMES,

18 Debtor-in-possession,

Bankruptcy No.: 11-54952 ASW 11

**BALLOT FOR ACCEPTING OR
REJECTING DEBTORS' FOURTH
AMENDED CHAPTER 11 PLAN OF
REORGANIZATION**

Tentative Confirmation Hearing Date:

Date: January 11, 2013
Time: 2:15PM
Crtrm: 3020
Location: United States Bankruptcy Court
280 South First Street
San Jose, California

HON. ARTHUR S. WEISSBRODT

23 Aida Alban Miranda dba Sunrise Manor Residential Care Homes filed a Revised
24 Amended Chapter 11 Plan of Reorganization (the "Plan") and a Revised Amended Disclosure
25 Statement (the "Disclosure Statement") on November 26, 2012. The disclosures contained in
26 Plan and Disclosure Statement provides information to assist you in deciding how to cast your
27 ballot. A copy of the Plan along with the Order Conditionally Approving the Disclosure
28 Statement is enclosed with this ballot.

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In re Aida Alban Miranda

1 You should carefully review the Plan before you vote. You may wish to seek legal
2 advice concerning the Plan and the proposed classification and treatment thereto.

3 Your claim/interest has been placed in Class 5 under the Plan. If you hold claims
4 or interests in more than one class, you will receive a ballot for each class in which you are
5 entitled to vote.

6 If your ballot is not received by Patrick Calhoun, Esq., 333 West San Carlos Street, Suite
7 620, San Jose, CA 95110, Fax No. (408) 279-2299; email sagariabk@sagarialaw.com, on or
8 before **January 4, 2013**, and the deadline to vote has not been extended, your vote will not count
9 as either an acceptance or rejection under the Plan.

10 If the Plan is confirmed by the Bankruptcy Court it will be binding on you regardless of
11 your election to, or not to vote.

12 **ACCEPTANCE OR REJECTION OF PLAN**

13
14 The Undersigned, the holder of a Class 5 claim/interest against the Debtors in
15 the amount of \$ 1,361.35.

16
17 X Accepts the Plan

 Rejects the Plan

18
19 **DATE:** December 27, 2012

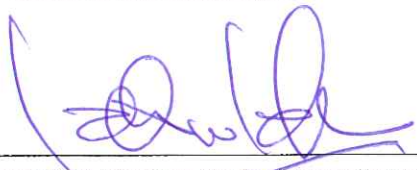
CREDITOR:

American Express Centurion Bank
Account No. xxxx-xxxxxx-x3006

20
21
22 **SIGNATURE:**

TITLE:

ADDRESS:


Kenneth W. Kleppinger, Esquire/Attorneys/Agent for Creditor
c/o Becket & Lee LLP
PO Box 3001
Malvern, PA 19355

1'
2
3
4 **RETURN THIS BALLOT ON OR BEFORE 5:00PM JANUARY 4, 2013 VIA:**

5 *United States Mail*
6 **PATRICK CALHOUN, ESQ.**
7 **333 West San Carlos Street, Suite 1750**
8 **San Jose, CA 95110**

9 -or-

10 *Facsimile*
11 **Fax No. (408) 279-2299**

12 -or-

13 *E-Mail*
14 **sagariabk@sagarialaw.com**

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10 If the Plan is confirmed by the Bankruptcy Court it will be binding on you regardless of
11 your election to, or not to vote.

12 **ACCEPTANCE OR REJECTION OF PLAN**

13
14 The Undersigned, the holder of a Class 5 claim/interest against the Debtors in
15 the amount of \$ 30,000.00.

16
17 

Accepts the Plan

18 _____ Rejects the Plan

19 DATE: 1/30/13

20 CREDITOR: Thelma Waterkamp

21
22 SIGNATURE: Thelma J. Waterkamp

23 TITLE: _____

24 ADDRESS: 583 Alameda Street
Brisbane, Ca. 94005